

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA §
§
vs. §
§
CHRISTOPHER ANDRADE §
§

CRIMINAL NO.: 7:18-CR-1691

**GOVERNMENT'S RESPONSE TO DEFENDANT'S OBJECTIONS TO
GOVERNMENT'S PROFFERED EVIDENCE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the United States of America, hereinafter referred to as "the Government," by and through its Attorney and Assistant United States Attorney assigned to this matter, and would respectfully show the Court the following: The Defendant's Objections to the Government's previously filed Notice of Intent to Offer Trial Exhibits is untimely.

LOCAL RULE 55.2

Criminal Local Rule 55.2 provides in pertinent part:

Authentication of Exhibits. A party requiring authentication of an exhibit must notify the offering party in writing within seven days after the exhibit is listed and made available. Failure to object in advance of trial in writing concedes authenticity.

Objections to Exhibits. Objections to admissibility of exhibits must be made at least seven days before trial by notifying the Court in writing of the disputes, with copies of the disputed exhibit and authority.

APPLICABLE FACTS

The Government initially filed a Notice of Intent to Offer Trial Exhibits on December 20th, 2022, in addition to June 9th, 2023. The dates to object to authentication and admissibility were included in the Government's Notice. Copies of the included exhibits were subsequently uploaded

to the Defense for Christopher Andrade on each day via USAfx. The Government also re-uploaded the exhibits on May 25th, 2023. In addition, the Government continued to upload more condensed versions of the same exhibits for the Defense as time went on to make the Defense's review more convenient. The Government informed the Defense that the Government had uploaded the exhibits to USAfx again in the weeks leading up to the June 27th, 2023 trial date. The Defense confirmed receipt of the motions and exhibits. The Defense did not object to either the authentication within seven days of the filing and did not object to the admissibility of the exhibits seven days prior to trial. Instead, the Defense objected to the exhibits on Sunday, June 25th, 2023. The Government received a copy of the sealed motion at 10:21pm on Sunday, June 25th, 2023. These objections are untimely pursuant to the Criminal Local Rule 55.2, and therefore the Defense has waived any objections to the exhibits pursuant the local rules.

CONCLUSION

The Government would request that the Court strike the Defense's objections to the Government's Notice of Intent to Offer Trial Exhibits as the objections are untimely.

Respectfully submitted,

ALAMDAR S. HAMDANI
UNITED STATES ATTORNEY

/s/ Cahal P. McColgan
Cahal P. McColgan
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Government's Offer of Trial Exhibits was on this 26th day of June 2023 filed via ECF and served on Rafael De La Garza, attorney for the defendants.

/s/ Cahal P. McColgan

Cahal P. McColgan
Assistant United States Attorney